

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 TONEY ANTHONY WHITE, III,
4 Petitioner,
5 v.
6 CALVIN JOHNSON, et al.,
7 Respondents.

Case No. 2:21-cv-01114-APG-VCF

ORDER
(ECF No. 1)

8 Petitioner Toney Anthony White, III, a Nevada state prisoner proceeding *pro se*, did not
9 properly commence this action by either paying the \$5.00 filing fee or submitting a complete
10 application to proceed *in forma pauperis* (“IFP”).

11 Under 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$5.00 filing
12 fee is required to initiate a habeas action in a federal district court. The court may authorize a
13 prisoner to begin a habeas action without prepaying fees and costs if he or she submits an IFP
14 application on the approved form along with the appropriate supporting documentation: (1) a
15 financial certificate signed by an authorized prison official, (2) a copy of the prisoner’s trust
16 account statement for the six-month period prior to filing, and (3) a financial affidavit and
17 acknowledgement signed by the prisoner showing an inability to prepay fees and costs or give
18 security for them. 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2.

19 Although Petitioner attached an “inmate account transaction request” receipt indicating he
20 authorized \$5.00 to be charged, the court has not received such payment. *See* ECF No. 1-1 at 46.
21 Petitioner will have 45 days from the date of this order to either pay the \$5 filing fee or submit an
22 IFP application with all required attachments.

23 **I THEREFORE ORDER:**

- 24 1. The initial screening of White’s Petition for Writ of Habeas Corpus (ECF Nos. 1-1, 1-
25 2) is deferred until he fully complies with this order.
- 26 2. The Clerk of the Court is instructed to MAIL White a blank form IFP application for
27 incarcerated litigants along with *two* copies of this order.
- 28 3. White must file an IFP application by **August 26, 2021**, along with all required

1 attachments. Alternatively, he shall pay the \$5.00 filing fee by **August 26, 2021**. If
2 White decides to pay the filing fee from his inmate account, he must arrange to have a
3 copy of this order attached to the check for the filing fee.

- 4 4. White's failure to comply with this order by (a) submitting an IFP application, or (b)
5 paying the filing fee before the **August 26, 2021** deadline will result in the dismissal
6 of this action without prejudice and without further advance notice.

7 Dated: July 12, 2021

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10 ANDREW P. GORDON
11 UNITED STATES DISTRICT JUDGE
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